IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.7493 OF 2004

1. Shri Milind Gopal Babar and ors. .. Petitioners

Vs

1. Suvarna Ramesh Malpathak and ors. Respondents

Mr. P.B.Shah, for the petitioners.

Mr Vilas Mali i/b Mr H.E.Palwe, for respondent no.3.

Ms N.S. Dopn Theba, for respondent no.5.

CORAM : D.B.BHOSALE,J.

DATE : 16th October, 2004.

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the two orders dated 17.7.2004 and 18.8.2004 passed below Exhibits 7 and 35 respectively. Mr Shah, learned counsel for the petitioners, at the outset, submits that he is not pressing this petition against the order dated 18.8.2004 passed below Exhibit-35.

3. After having heard the learned counsel for the parties, I am satisfied that the following order will meet the ends of justice in so far as the prayers made by the petitioner-trust in the application Exhibit-7 is concerned.

(i) The petitioner-trust is allowed to operate the Bank account bearing A/c No.9846 in respondent no.4-Bank only

for the purposes of paying salaries of the employees of the trust and for withdrawing an amount of Rs.10,000/- per month for meeting day-to-day expenses subject to condition that the trustees will maintain accounts of the said amount and furnish the same to the Assistant Charity Commissioner at the end of every month. The petitioners will also furnish a list of all the employees to the Charity Commissioner. The Charity Commissioner shall allow the petitioner-trust to make the payment of salaries of the employees and for that purpose issue necessary directions to respondent no.4-Bank.

(ii) The Assistant Charity Commissioner, Nasik Division, Nasik shall dispose of Application No.6 of 2004 filed under section 41A of the Bombay Public Trusts Act,1950 as expeditiously as possible and preferably within a period of eight weeks from the date of receipt of this order. Parties are directed to cooperate disposal of the application within the timeframe granted by this order.

(iii) Liberty to the petitioners to file an application before the Assistant charity Commissioner seeking appropriate relief as and when they propose to incur unavoidable expenditure for any other purpose as mentioned in the application. Such application may be considered keeping in view the expediency of the

proposed expenditure subject to such conditions as the Charity Commissioner may deem it necessary.

(iv) The petitioners to communicate this order to the concerned Assistant Charity Commissioner within two weeks from today.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)